

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PATRICIA MADASKI,

Plaintiff,

v.

CASE NO. 06-10820
HON. LAWRENCE P. ZATKOFF

ASH TOWNSHIP, THE ASH TOWNSHIP
BOARD OF TRUSTEES, ROBIN CARMACK,
TERRY WICKENHEISER, SHELLY RATZ, AND
JAMES BOOTH, jointly and severably, and in their individual
and official capacities,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM

Plaintiff filed her Complaint on February 23, 2006. Plaintiff's Complaint contains the following four counts:

- Count I Violation Freedom of Association;
- Count II Violation of Right to Intimate Association;
- Count III Violation of Freedom of Speech; and
- Count IV Defamation.

See Complaint.

The Court has subject matter jurisdiction over Counts I, II and III, because they arise under federal law. *See* 28 U.S.C. § 1331. Count IV, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction

over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claim of Defamation (Count IV) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Counts I, II, and III).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 13, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 13, 2006.

s/Marie E. Verlinde
Case Manager
(810) 984-3290